

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ZENITH INSURANCE COMPANY,

Plaintiff,

v.

DEERE & COMPANY, et al.,

Defendants.

Case No. 1:24-cv-00999-JLT-EPG

ORDER REGARDING DISMISSAL FILING;
REQUIRING DEFENDANTS TO FILE
DOCUMENT REGARDING DISMISSAL OR
FOR THE PARTIES TO FILE A
STIPULATION SIGNED BY ALL PARTIES
WHO HAVE APPEARED

(ECF No. 21)

In this removed civil action, both Defendants—Deere & Company and Papé Machinery, Inc.—have filed answers to the complaint. (ECF Nos. 4, 5).

Recently, the parties settled this matter. (ECF No. 19). And on September 8, 2025, Plaintiff Zenith Insurance Company filed a “motion for dismissal,” stating as follows: “Pursuant to Fed. R. Civ. Proc. Rule 41(a)(2), plaintiff Zenith Insurance Company hereby moves for the voluntary dismissal of the above-entitled action in its entirety and with prejudice. Defendants do not oppose this motion.” (ECF No. 21, p. 1) (capitalization omitted). While the motion states that Defendants do not oppose it, it is not signed by either of them.

Further, while Rule 41(a)(2) permits court-ordered dismissals, different Rules govern voluntary dismissals. Because Defendants have answered the complaint and are represented not to oppose a voluntary dismissal by Plaintiff, the Rule that appears applicable is Rule 41(a)(1)(A)(ii), which permits a voluntary dismissal after an opposing party has filed an answer with the filing of “a stipulation of dismissal signed by all parties who have appeared.”

1 In light of these circumstances, IT IS ORDERED as follows:

- 2 1. By no later than September 19, 2025, each Defendant shall file a signed document
3 reflecting their approval or disapproval of Plaintiff's request for dismissal. (ECF
4 No. 21).
- 5 2. Alternatively, by no later than September 19, 2025, the parties may file a
6 stipulation of dismissal signed by all parties who have appeared in this action in
7 compliance with Rule 41(a)(1)(A)(ii).

8 IT IS SO ORDERED.

9
10 Dated: September 9, 2025

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE